

U.S.S.N. 09/912,278

REMARKS

Claims 1-30 are pending in this application.

Claims 9-10, 17-18 and 23-24 are objected to.

Claims 1-8, 11-16, 19-22 and 25-30 are rejected.

The office action dated February 1, 2005 indicates that claims 9, 17 and 23 contain allowable subject matter. These claims have been rewritten in independent form. Amended claims 9, 17 and 24, along with their dependent claims 10, 18 and 24, should be allowed.

The remaining amendments have been made to reduce the number of issues for appeal. Claims 2, 12 and 25 have been rewritten in independent form, claims 5 and 20 have been amended to depend properly from their respective independent claims, and claims 1, 11 and 19 have been cancelled. Entry of the amendments is respectfully requested.

The office action also indicates that claims 1, 11 and 19 are rejected under 35 USC §102(e) as being anticipated by Manduca et al. U.S. Patent No. 6,329,819. This rejection has been rendered moot by the cancellation of claims 1, 11 and 19.

The office action also indicates that claims 2, 12, 25, and 28-30 are rejected under 35 USC §103 as being unpatentable over Manduca et al. in view of Dhawan et al. U.S. Patent No. 5,271,064. This rejection is respectfully traversed.

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Independent claims 2, 12, 25 and 28 recite edge detection in a digital image block by determining an entropy of a histogram of the block. Neither Manduca et al. nor Dhawan et al. use entropy to detect an edge in a block of a digital image.

Dhawan et al. disclose a method of enhancing elements in a digital image. The method includes classifying elements as either a surface or edge element (col. 3, lines 59-63), and adjusting the elements to increase the differences between elements at edges from the elements in shadows (col. 3, lines 63-67). Dhawan et al. do not teach or suggest using entropy to detect the edges. Edges are detected by comparing contrast vectors for each element to threshold windows. Dhawan et al. use entropy to determine whether contrast enhancement has been maximized (col., 9, lines 36-38).

Manduca et al. do not appear to disclose edge detection at all. Manduca et al. appear to disclose a method of performing motion correction by defining a measure or metric of image quality, evaluating different possible combinations of motion, and searching for a set that optimizes the metric (col. 4, lines 30-35). Entropy is used as the metric (col. 5, line 43 to col. 6, line 20).

Because neither Dhawan et al. nor Manduca et al. teach or suggest the use of entropy for edge detection, the '103 rejections should be withdrawn. Accordingly, claims 2-8, 12-16, 20-22 and 25-30 should be allowed.

The '103 rejections should be withdrawn for the additional reason that the Rule 131 affidavit (submitted in the previous response) removes Manduca et al. as prior art. The Rule 131 Declaration does not provide evidence of an actual reduction to practice. However, the Rule 131 Declaration, coupled with the filing

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date of the application, does provide evidence of conception prior to Oct. 16, 2000 and diligence toward a constructive reduction to practice.

The Rule 131 Declaration provides evidence that the inventor submitted an invention disclosure to the HP legal department on August 7, 2000. An internal decision was then made to seek patent protection on the invention. As can be ascertained from the file wrapper, HP legal outsourced the patent preparation to attorney Hugh Gortler. The application was filed on July 24, 2001. The time interval between the submission date of the invention disclosure and the filing date of the application – less than one year - is evidence (not a mere allegation) of diligence toward a constructive reduction to practice.

For the additional reason that the Rule 131 Declaration removes Manduca et al. as prior art, the '103 rejections should be withdrawn.

Claim 23 now has the correct status identifier.

The summary and abstract have been amended to be commensurate in scope with claim 28.

Withdrawal of the rejections is respectfully requested. The examiner is encouraged to contact applicant's attorney Hugh Gortler to discuss any issues that might remain.